

Mogus Response
to Plaintiff's of Nov 27
correspondence

Case CV06-0574

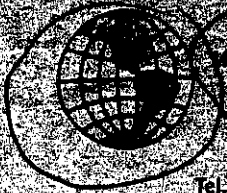
Plaintiff and his attorney spent in January
one whole year trying to say I lived and
did business in Eastern District - now call
these harmless typographical errors.

Mr Howard Katz knew I had never visited
him or did business with him in that district
now this is called harmless - The courts time
and my time! 1 year - harmless? - (Refer page 3)

BROOKLYN OFFICE

DEC 18 2006

IN CLERKS OFFICE
U.S. DISTRICT COURT E.D.N.Y.



HOWARD KATZ

Manufacturer & Importer of...
NEW YORK, NY 10105-4476

Tel: (718) 363-8429 Fax: (718) 756-6555
Toll Free: 1-800-466-5287

INVOICE

DATE	ORDER NO.
NOV 18 2006	033-465
SHEET	FILED
U.S. DISTRICT COURT E.D.N.Y.	
DEC 18 2006	
BROOKLYN OFFICE	

ALL THAT CONCERNS

P.O. Box 514

DANIELSON, ALB. 21037

Katz doing business numerous states
other countries - export importer

The Plaintiff now wants the Southern District
after one year. I urge this case dismissed
let the Plaintiff refile in the Southern
District start anew.

Thank You
Mogus

CV 06-0574

Katz vs All That
Glitter

* Katz, a Canadian citizen, living some of the year in Eastern District - his business based in Southern District - doing business in many states and other foreign countries -

I saw Katz twice in Manhattan in 20 years most recently 9 years ago / 1998.

This case has now suffered quite a few ~~typographical errors~~ - ~~there at my expense~~
I resent these errors! I ask this case be dismissed.

Sincerely
Thank You

Joe Magus
Joe Magus

Statements made freely under penalty of
perjury

and

* Copy sent to Atty General Klein

* P.S. Did a substantial part of the business relationship occur in the State of New York?
Simply, it did not!
Where cause of action occurred, New York?
Simply it did not!

MOGUS-Response

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

Rebuttal

In Re
HOWARD KATZ
Plaintiff,

CV 06-0574 ((DLI))(JO)

-against-

JOE ROBERT MOGUS, et al,
Defendants.

AFFIRMATION IN OPPOSITION OF MOTION TO DISMISS

Howard Katz, by his attorney Law Office of Shmuel Klein, P.C., affirms under the penalties of perjury as follows:

1. I am the Attorney for the Plaintiff in the above captioned case. I make this affirmation in opposition to the Defendant's motion to dismiss this case.
2. On Nov 6, 2006, Defendant filed a Notice of Motion for dismissal of the case. Defendant's submission to the court that the entire case be dismissed solely as a result of a harmless and non-prejudicial typographical error is no basis to dismiss this case. — Harmless? Not!
3. Counsel of the Plaintiff adheres to all court rules and deadlines and did not deliberately create Defendant's unsettlement. I feel it is deliberate -
Claimed originally I Joe Mogus lived in New York
4. As seen by the exhibits annexed hereto, there is no question that Defendant was aware and should expect proper jurisdiction in New York. Now Defendant admits that jurisdiction is proper in the Southern District of New York. Totally False I had no expectation - I admit nothing
New York. In that H. Katz had has numerous clients in Maryland as
all that Glitters - I had expected case there, Maryland
Plaintiff conducted business with Defendant in New York over the course of approximately 19 years, from 1984 to 2003. I saw H Katz two times in 20 years!
2 Times

This absurd - Frequently - Twice!

6. Plaintiff and Defendant made their transactions frequently in the State of New York. ~~Plaintiff~~

we met twice in 20 years

untruth this

7. When Defendant would visit Plaintiff's business in New York, Plaintiff knew where Defendant

made accommodations for overnight residency, in New York.

what business did I visit?

Yes, I did sleep in a hotel, what was I to do?

8. During these visits, Plaintiff and Defendant would business lunch in New York.

I saw him twice in 20 years / briefly. 13 years ago

9 years ago

WHEREFORE, Plaintiff respectfully requests that the application be denied.

Dated: November 27, 2006

/s/ *[Signature]*
Law Office of Shmuel Klein, P.C.
268 Route 59
Spring Valley, NY 10977
(845) 425-2510

CERTIFICATE OF SERVICE

I, Shmuel Klein, affirm under the penalties of perjury that I am not a party to this action and I am over the age of 18 years old. I have offices at 268 West Route 59, Spring Valley, NY 10977. I served the within Affirmation in Opposition together with the Exhibits on November 27, 2006 by depositing a true copy thereof in a post-paid wrapper, placing it in an official depository under the exclusive care and custody of the US Postal Service within the State of New York, first class mail, addressed to:

Joe Robert Mogus
General Delivery
Corvallis, OR 97333

/s/ *[Signature]*
Law Office of Shmuel Klein, P.C.
268 Route 59
Spring Valley, NY 10977
(845) 425-2510

Mr Katz in the complaint stated I, J. Mogus lived in the Eastern District - Plaintiff then retreated from this position to say I did business in Eastern District only now to claim a second typographical error. Now calls this untruth harmless - now tries to use two lunches to qualify Southern District - Plaintiff spent a year trying to establish Eastern District - A whole year on an error?!
Mr Katz does business as importer exporter in numerous states and foreign countries - this he can not deny

Special
to
Dee Se'

T
Judge Tolzart Court
Federal Court Eastern
District

Book 172

12/23/2017

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